

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re:

Chapter 7

RICK ALAN DAVIDSON,

Case No. 19-11486 (DSJ)

Debtor.

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SALVATORE LAMONICA, Solely in His Capacity as  
Chapter 7 Trustee of the Estate of Rick Alan Davidson,

Plaintiff,

Adv. Pro. No. 21-01130 (DSJ)

-against-

RICK ALAN DAVIDSON,

Defendant.

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**ORDER GOVERNING DISCOVERY AND MODIFYING SCHEDULING ORDER**

The Court having entered an amended scheduling order in the above-captioned adversary proceeding which provided, in part, for the completion of fact discovery on or before April 10, 2022, the completion of expert discovery on or before June 10, 2022, and a final pre-trial conference on July 14, 2022 (“Amended Scheduling Order”); and Plaintiff, by his counsel, having filed a letter on March 29, 2022 detailing certain discovery disputes with respect to the sufficiency of the response by Defendant Rick Alan Davidson (“Davidson”) to Plaintiff’s First Request for Production of Documents (“Plaintiff’s Request”), and the withholding of documents by the Debtor’s accountant, Franco Fallone (“Fallone”), on the grounds of attorney-client privilege in response to the non-party subpoena served on him (“Fallone Subpoena”), and the withholding of documents by Bruce J. Wisotsky, Esq. (“Wisotsky”) on the grounds of attorney-client privilege in response to the non-party subpoena served on him (“Wisotsky Subpoena”); and Plaintiff’s letter

having detailed his good faith efforts to resolve those disputes since the service of Plaintiff's Request, the Fallon Subpoena, and the Wisotsky Subpoena; and the Court having scheduled a discovery conference for March 31, 2022; and Plaintiff having provided notice of the discovery conference; and the discovery conference having been held on March 31, 2022, the record of which is incorporated by reference; and David A. Blansky, Esq. having appeared for Plaintiff, and Jason A. Stewart, Esq., having appeared for Davidson and Fallon; and the parties having been heard; it is hereby **ORDERED** that:

1. Bellatour, LLC, the Debtor and Fallon shall undertake to resolve the disputes outlined in Plaintiff's correspondence and on the record at the discovery conference in good faith prior to the continued discovery conference. **[DSJ 4/6/2022]**
2. To the extent that the parties are unable to resolve the dispute as to the assertion of privilege over documents withheld by Fallon and Wisotsky in response to the Fallon Subpoena and Wisotsky Subpoena, respectively, within one week after the entry of this Order, the parties shall thereafter have one week in which to file a letter with the Court, no greater than three pages in length, stating their position with respect to the documents withheld by Fallon and Wisotsky and documents withheld by Fallon and Wisotsky shall be submitted to the Court for *in camera* review.
3. The Amended Scheduling Order is modified to extend fact discovery to and through June 9, 2022 and the expert discovery deadline to and through August 9, 2022, and reschedule the final pre-trial conference to September 13, 2022.
4. A continued discovery conference shall be held on April 26, 2022 at 10:00 a.m.

5. A failure to comply with the terms of this Order ~~may shall~~ constitute a contempt of Court. **[DSJ 4/6/2022]**
6. The relief provided for herein is without prejudice to Plaintiff's rights in remedies arising from non-compliance with discovery by Davidson, Fallone and Wisotsky in this adversary proceeding.

Dated: New York, New York  
April 6, 2022

*s/ David S. Jones*  
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HONORABLE DAVID S. JONES  
UNITED STATES BANKRUPTCY JUDGE